



General Assembly

January Session, 2009

**Proposed Bill No. 5421**

LCO No. 472

Referred to Committee on Human Services

Introduced by:

REP. ORANGE, 48th Dist.

REP. JARMOC, 59th Dist.

**AN ACT CONCERNING PROCEEDINGS AND OPERATIONS OF THE  
DEPARTMENT OF CHILDREN AND FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 That the general statutes be amended to: (1) Require the Department  
2 of Correction, when entering into a contract for the operation of a  
3 residential facility for persons under the department's supervision that  
4 previously operated under a license issued by the Commissioner of  
5 Children and Families, to notify the chief executive officer of the  
6 municipality in which the facility is located of the change in operations  
7 at the facility; (2) require any employee of the Department of Children  
8 and Families, who has reasonable cause to believe that another  
9 employee has engaged in the unauthorized disclosure of confidential  
10 department records, to report the unauthorized disclosure to the  
11 Commissioner of Children and Families and extend whistleblower  
12 protections for an employee making such a report; (3) require that any  
13 ex parte custody order or court order to appear for a temporary  
14 custody hearing on a petition for a neglected, uncared-for or  
15 dependent child or youth, held pursuant to section 46b-129 of the

16 general statutes, contain a conspicuous notice to the respondent parent  
17 or guardian that the parent or guardian may request that the  
18 Commissioner of Children and Families investigate the suitability of  
19 placing the child or youth with a person related to the child or youth  
20 and also to require the commissioner to investigate the suitability of  
21 such placement and to provide a report to the court; (4) require the  
22 court, when holding a temporary custody hearing pursuant to section  
23 46b-129 of the general statutes, to identify any person related to the  
24 child or youth who might serve as a temporary custodian; (5) require  
25 the court, when holding a temporary custody hearing pursuant to  
26 section 46b-129 of the general statutes, to grant a motion to intervene  
27 filed by a person related to the child or youth not later than ninety  
28 days after the preliminary hearing, except for good cause shown, if the  
29 Commissioner of Children and Families has determined that there is  
30 no suitable relative to take temporary custody and the court has not  
31 granted temporary custody to any person; (6) require the  
32 Commissioner of Children and Families to conduct a home study of  
33 any person granted intervenor status in a proceeding held pursuant to  
34 section 46b-129 of the general statutes and, upon completion of the  
35 home study, require the court to hold a hearing concerning temporary  
36 custody by a relative of the child or youth; (7) require any person  
37 objecting to the temporary custody of a child or youth by a relative of  
38 the child or youth, at a hearing held pursuant to section 46b-129 of the  
39 general statutes, to prove by a fair preponderance of the evidence that  
40 granting temporary custody to such relative would not be in the best  
41 interest of the child or youth; (8) provide for a rebuttable presumption  
42 in certain cases where a child or youth is adjudged uncared-for,  
43 neglected or dependent, commitment of the child or youth to the  
44 custody of the Department of Children and Families has been revoked  
45 or parental rights have been terminated, that an award of custody to a  
46 relative of the child or youth, who is licensed as a foster parent or  
47 certified as a relative caregiver for such child or youth or is the  
48 temporary custodian of the child or youth, is in the child's or youth's  
49 best interest; (9) provide for a rebuttable presumption in a proceeding

50 where the court has determined that a child or youth has no guardian  
51 that an award of temporary custody to a relative of the child of youth  
52 is in the child's or youth's best interest; and (10) prohibit the drawing  
53 of a negative inference in certain administrative and court proceedings  
54 from the fact that a parent has applied for the voluntary admission of  
55 his or her child to the Department of Children and Families under  
56 subsection (a) of section 17a-11 of the general statutes.

***Statement of Purpose:***

To improve the proceedings and operations of the Department of Children and Families.